

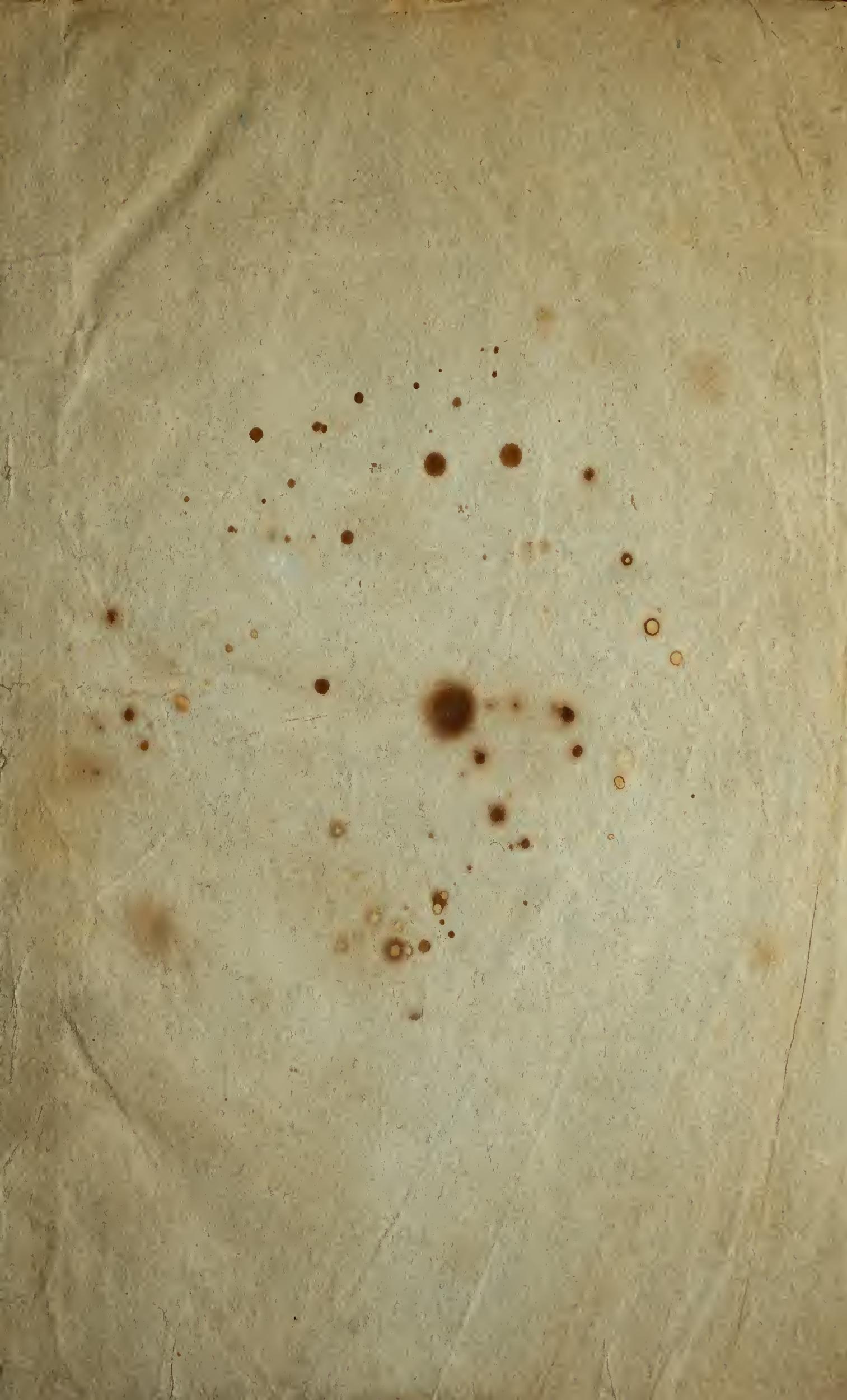
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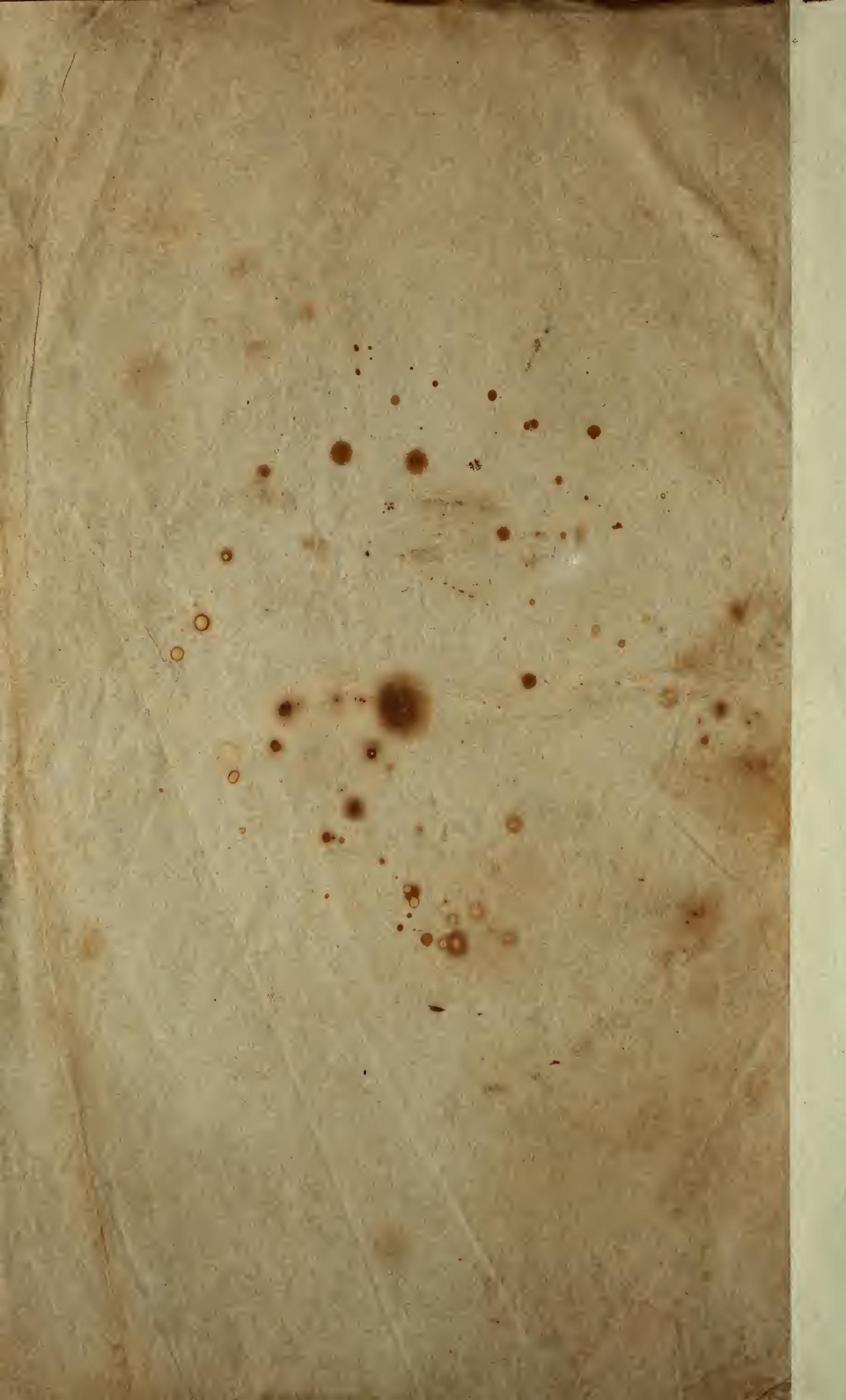
of

Dr. Otto L. Klemm

1863 - 1935

Chicago





In the Supreme Court of the United States.

TO THE HONORABLE JOHN JAY, ESQUIRE, CHIEF JUSTICE,
AND HIS ASSOCIATES, JUDGES OF THE SUPREME COURT OF THE
UNITED STATES, SITTING IN CHANCERY.

HUMBLY complaining shew unto your Honors your Orators, William Grayson, and Charles Grayson, George Grayson and Hebe Grayson by their next friend the said William Grayson, Levi Hollingsworth, Simon Nathan, Isaac Wharton, Richard Wharton, John Todd the younger, and James Todd, Sarah Trent, Samuel and Anne Raymond, Nathan and Mary Beeks and John Trent, Frances Reed, John and Elizabeth Andrews, Isabella M'Intire, William and Anne Irwin, George and Mary Thompson, Thomas and Martha Duncan, Catharine Callender, and Robert Callender by William Irwin his next friend, David Franks, Joseph Simons, Levy Andrew Levy, Thomas Smallman, George William Prevost, Augustine Prevost the younger, and James Prevost, Henry Prevost, Louisa Prevost, Charlotte Prevost and Susanna Prevost by Augustine Prevost their next friend, Edward Pennington, Robert Morris, Joseph Galloway and William Pollard, Samuel Wharton, administrator of John Welch, deceased, Margaret Welch, John Welch, Jared or Gerard Welch, Joseph Welch, Abraham and Anne Morrow, James and Mary Prange and Margaret Sturdivan, Edmund Moran, Evan Shelby, Samuel Postlethwaite, John Gibson, Edward Cole; the heirs of Dennis Croghan, whose names are at present unknown to the rest of your Orators, who therefore pray for leave to amend their bill by adding the names of the heirs of the said Dennis Croghan, as soon as it is in their power so to do; Catharine Thompson, George Thompson, Robert Thompson, William Thompson, George and Mary Read, Galbraith and Catharine Patterson, Juliana Thompson and Elizabeth Thompson, Richard Neave, John Dundas, Burnet Dundas by Henry Pratt his next friend, Anna Dundas, Henry and Elizabeth Pratt, Frederic William and Mary Starman, and Sarah Eliza Scriba by her next friend George Scriba, William Floyd, John Stephen Guenet, Joseph Jacques de Pionerie, William Edgar, William Temple Franklin, Joseph Galloway, Owen and Mary Jones, and William Fisher, by his next friend James Coles Fisher, Tench Coxe, George Morgan, Thomas Payne and James Wilson—That when the continent of North-America was discovered by European navigators, it was in possession of many different nations of Indians, who had owned and inhabited the same, from a time to which neither tradition nor history extend—That the numerous adventurers who were encouraged by their sovereigns, and induced by various motives to migrate from Europe to the said continent, were received by the said nations of Indians, in most instances, in a friendly manner, and large tracts of land were from time to time ceded to them to plant and enjoy—That although in some instances it was deemed lawful to take possession, by force, of the lands of the natives, under the pretence of converting them from their idolatrous opinions—yet the Sovereigns of Europe in general, and particularly the Kings of England, in assuming a right founded on the discovery of regions to colonise them with their subjects, did not dispute or deny the rights of ownership in those who were found in possession of them, nor extend their claims further than to the right of purchasing, and of preventing the interference of other European nations in the same territories—That it was only in relation to each other, that the right of discovery was asserted by European powers, and it was only deemed to preclude their competitors from purchasing of the natives,

natives, the lands within the limits of the discovery—That founded on the discoveries of John and Sebastian Cabot and others, the right of the Kings of England was deemed to include the North-American continent from the thirty-second to the seventieth degree of north latitude, and to extend westward, in the opinion of those times, to the South Sea—That under different English monarchs, charters were granted of lands being within the limits aforesaid, and colonies sent out in order to increase the trade, and enlarge the empire of England—That the attempts made in the reign of Elizabeth, Queen of England, to settle colonies in this country, having failed, James the First, on the sixth of April, one thousand six hundred and six, granted a patent to Sir Thomas Gates and others, permitting them to settle and inhabit at any place upon the coast of Virginia, or America, between thirty-four and forty-one degrees of north latitude, and granting to them and to such others, as should join them in establishing a colony, all the lands for the space of fifty miles each way, on the sea coast, from the first seat of their plantation, and fifty miles directly into the main land—And by the same patent, Thomas Hanham and others received a grant of, and were authorised to settle and inhabit, a tract of land of the same size, and described in the same manner—That the names of the first and second colonies of Virginia were respectively appropriated to these companies of adventurers, the whole continent of North-America having, in honor of Queen Elizabeth, received the appellation of Virginia—That in the year one thousand six hundred and nine, another patent was granted by the same King to Robert, Earl of Salisbury, and a number of others, for all the lands in that part of America, called Virginia, from the point of land called Cape or Point Comfort, all along the sea coast, to the northward, two hundred miles, and from the said Point of Cape Comfort all along the sea coast to the southward two hundred miles, and all that space and circuit of land lying from the sea coast of the precinct aforesaid, up into the land throughout from sea to sea, west and north-west—That under this charter and grant of limits so inaccurately described, a settlement took place, which did not extend far from the sea coast—That in the year one thousand six hundred and twenty-four, by a judgment obtained in a Quo Warranto, or by some other means, this charter was seized into the hands of King James the first, or was voluntarily surrendered by the members thereof, or lost by Non Usurpation, whereby its legal existence was destroyed, and Virginia ceased to be a proprietary government; and, from that period until the declaration of Independence, was governed under the immediate authority of the crown, without any regard to the wild and uncertain limits contained in the charter of one thousand six hundred and nine—its northern and southern boundaries were afterwards fixed and ascertained by the charters of Maryland, and the two Carolinas granted in the years one thousand six hundred and thirty-two, one thousand six hundred and sixty-three, and one thousand six hundred and sixty-five; but since the extinction of the said charter of one thousand six hundred and nine, its western boundaries have not been described by any grant or charter whatever. The settlements however gradually extended from the sea coast into the country westward, under the Governors and the authority of the Crown of England; but that the indeterminate extent, under the charter of one thousand six hundred and nine, was not contemplated by the inhabitants themselves, is evident from many of their own acts and declarations.

Your Orators further set forth, that a considerable traffic was carried on for many years, by those who were then the subjects of the Crown of Great-Britain with the Indians, with whom large quantities of European goods were annually exchanged for furs and peltries, the produce of their hunting—That in the year one thousand seven hundred and sixty-three, some of the Indians of the Shawanese and other Tribes, violently seized and carried off the property of your Orators, and those under whom they claim, to the amount of eighty-five thousand nine hundred and

and sixteen pounds, ten shillings and eight-pence, New-York currency—That the Indians who committed this outrage, belonged to Tribes which were tributaries to the Six Nations, to whom application was made for redress—That a sense of justice, which is frequently found in the most uncultivated nations, admitted their claim; and Sir William Johnson, on behalf of the sufferers, had the satisfaction of completing a transaction, which, while it was thought to compensate your Orators, and those under whom they claim, for the full amount of their losses, has unfortunately involved them in difficulties unforeseen, and excited pretensions till then unknown.—This transaction took place at Fort Stanwix, in one thousand seven hundred and sixty-eight, where a number of Chiefs of the several Tribes of Mohawks, Onondagoes, Senecas, Oneidas, Cayugas, Tuscaroras, Shawaneſe, and Delawares, were met by Sir William Johnson, the Royal Superintendant of Indian Affairs, by the Governor and Chief Justice of New-Jersey, and by the Commissioners for Pennsylvania—That on this occasion, a conveyance was made by them, in the presence of many respectable witnesses, and with the full assent and approbation of Thomas Walker, by whom Virginia was represented, to George the third, King of Great-Britain, and the dominions thereunto belonging, for the express use and behooff of William Trent, Robert Callender, David Franks, Joseph Simons, Levy Andrew Levy, Philip Boyle, John Baynton, Samuel Wharton, George Morgan, Joseph Spear, Thomas Smallman, Samuel Wharton, administrator of John Welch, deceased, Edmund Moran, Evan Shelby, Samuel Postlethwaite, John Gibson, Richard Winston, Dennis Croghan, William Thompson, Abraham Mitchell, James Dundas, Thomas Dundas and John Ormsby; a copy of which deed is hereunto annexed, marked with the letter (A) which your Orators pray may be taken as part of their bill.

Thus your Orators, David Franks, Samuel Wharton, George Morgan, Joseph Simons, Levy Andrew Levy, Thomas Smallman, Samuel Postlethwaite, Edmund Moran, Evan Shelby, and William Trent, Philip Boyle, John Baynton, Joseph Spear, John Gibson, Richard Winston, Dennis Croghan, William Thompson, Robert Callender, Abraham Mitchell, James Dundas, Thomas Dundas and John Ormsby, under whom the rest of your Orators claim, became seized by a sufficient conveyance from the first occupants and actual owners, for a valuable consideration, of all that tract of land in the said conveyance mentioned and described, and to which the name of Indiana was afterwards given. And your Orators humbly submit, that the said grant was good and valid in law, and more especially so in equity, without any subsequent confirmation to render it so; which confirmation is unjustly contended on the part of the said Commonwealth of Virginia to have been necessary.

Your Orators further beg leave to suggest, that at the time this deed was executed, the whole of the tract of land therein mentioned and described, was unsettled and unoccupied, except by the Indians belonging to the tribes who made the said conveyance; nor had they or their ancestors ever made any previous grant or conveyance thereof, and that it was not known or believed, that Virginia laid claim to it; nor can it be supposed, that the commissioner from Virginia would have suffered in silence a conveyance to be made of land, to which that province was entitled, and still less, that he would have testified the assent of Virginia by subscribing his name as a witness thereto; and what shews still more strongly the equity of your Orators case, is, that had an objection been made at the time, they might, without difficulty, have had another spot allotted to them, and thus have avoided the unfortunate contest in which they have been involved—That after obtaining this deed, some time unavoidably elapsed, before the several persons interested could be notified, the proportions to which they were respectively entitled adjusted, and proper powers of attorney obtained from those, who could not personally attend; and it was not until the twenty-first day of September, in the year one thousand seven hundred

and seventy-five, that a general meeting of the parties took place—That information was then received, that since the said tract of land had been granted to them, some persons had intruded on it, and formed settlements thereon, without a pretence of right—That a desire to exhibit that moderate and reasonable conduct, to which you Orators, and those under whom they claim, have at all times adhered, induced them to give public notice, that such persons should be assured of peaceable possession, on the terms of the general Land-office, which would shortly be opened for the sale of the said lands—That afterwards, to wit, on the nineteenth day of January, in the year one thousand seven hundred and seventy-six, deeds of lease and release were executed, by which your said Orators, David Franks, Joseph Simons, Levy Andrew Levy, Samuel Wharton, George Morgan, Richard Neave, William Edgar, Joseph Galloway and William Trent, Robert Callender, John Chevalier, Peter Chevalier, Joseph Bullock, Peter Baynton, Thomas Wharton, William Franklin, John Ormsby, William Thompson and Edward Cole, under whom, or some of whom, the rest of your Orators claim, conveyed the premises in fee simple to Richard Bache, Owen Jones, junior, and Isaac Wharton, of the city of Philadelphia, merchants, upon certain trusts and to certain uses, for the benefit of your Orators, and those under whom they claim, as will more particularly appear from the inspection of the deed of conveyance, which your Orators have ready to produce ; and to which for the sake of brevity, they beg leave to refer, without setting forth the same more particularly—And your Orators further set forth, that pursuant to the powers in the said deed reserved, your Orators David Franks, Joseph Simon, Levy Andrew Levy, Samuel Wharton, William Edgar, Richard Neave, George Morgan and Joseph Galloway, and also William Trent, Robert Callender, John Chevalier, Peter Chevalier, Joseph Bullock, Peter Baynton, Thomas Wharton, William Franklin, John Ormsby, William Thompson and Edward Cole, under whom, or some of whom, the rest of your Orators claim, on the twentieth of January, one thousand seven hundred and seventy-six, entered into mutual covenants and agreements, for the purpose of regulating their concerns in an orderly and proper manner, as will more particularly appear from the inspection of the articles thereof, which your Orators have ready to produce, and to which they, for the sake of brevity, beg leave to refer, without setting forth the same more particularly ; but your Orators have hereunto annexed a schedule marked (B) referred to in the last mentioned deed, which sets forth the number of shares, to which the said David Franks, Joseph Simon, Levy Andrew Levy, John Baynton, Samuel Wharton, William Edgar, Richard Neave, George Morgan and Joseph Galloway, and also William Trent, Robert Callender, John Chevalier, Peter Chevalier, Joseph Bullock, Peter Baynton, Thomas Wharton, William Franklin, John Ormsby, William Thompson, and Edward Cole, were respectively entitled—And on the twentieth day of March, one thousand seven hundred and seventy-six, a general meeting took place, pursuant to the forms agreed upon as aforesaid, and it was then determined to open a land-office, for the sale of the said tract of land, as was before promised to the settlers upon the said tract, although they had intruded themselves thereon, without title or pretence of title, and that all persons who, before the first day of January, one thousand seven hundred and seventy-six, had manifested their intention of settling any part of the said land by bona fide improvements made thereon, should be entitled to a warrant for a tract not exceeding four hundred acres respectively, including such improvements, provided application should be made for the same, before the first day of January, one thousand seven hundred and seventy-seven—That the same price was affixed to such purchases, as to those which should be made by strangers, to wit, fifty dollars, or the value thereof, in current money of any of the neighbouring colonies for one hundred acres, including an allowance of six per cent. for roads and highways without

without any quit-rent—That your Orator, George Morgan, was appointed Secretary and Receiver-General of the said Land-office, as appears by an extract from the said resolutions, which is hereunto annexed marked (C) which your Orators pray may be taken as part of their bill—That on the first day of April, one thousand seven hundred and seventy-six, public notice was given by advertisement, a copy of which is hereunto annexed marked (D) which your Orators pray may be taken as part of their bill—that a Land-office, for the disposal of the said land, would be opened on the premises on the first day of the month of May then next ensuing, to continue till the first day of next following January—That to remove any apprehensions, which ignorance of the title might induce, information was at the same time given, that your Orator, George Morgan, would exhibit the title deeds to all persons applying, and furnish them with attested copies of the Indian grant aforesaid.

In the spring of the year one thousand seven hundred and seventy-six your Orator, George Morgan, proceeded to the River Ohio, in order to effectuate the aforesaid propositions—but before the necessary steps could be taken, and before any application was made to him for purchases, he received a copy of the following resolution passed in the Convention of the State of Virginia.

In Convention of Virginia, June 24, 1776.

Whereas divers petitions from the inhabitants of the Western Frontiers have been presented to this Convention, complaining of exorbitant demands made on them, for lands claimed by persons pretending to derive titles from Indian deeds and purchases—Resolved, that all persons actually settled on any of the said lands, ought to hold the same, without paying any pecuniary or other consideration whatever, to any private person or persons, until the said petitions, as well as the validity of the title under such Indian deeds or purchases, shall have been considered and determined on by the Legislature of this country—And that all persons, who are now actually settled on any unlocated or unappropriated lands in Virginia, to which there is no other just claim, shall have the pre-emption or preference in the grants of such lands—Resolved, that no purchases of land within the chartered limits of Virginia, shall be made under any pretence whatever, from any Indian Tribe or Nation, without the approbation of the Legislature.

Signed EDMUND PENDLETON, President.

That to your Orator, George Morgan, this unexpected and unaccountable interference occasioned great surprise, which was increased by receiving soon afterwards the following notice:

Virginia, Pittsburgh, July 25, 1776.

SIR, To GEORGE MORGAN, Esquire.

We are appointed, by a resolution of the Convention of Virginia, Commissioners to collect and take the evidence, on behalf of this government, against the several persons pretending to claim lands, within the limits thereof, under deeds and purchases from the Indians; and are impowered to call before us any witness or witnesses, at such times and places as we shall appoint, giving the claimers under such Indian deeds and purchases respectively, his or their agent or agents, at least twenty days notice thereof in writing; and also to attend the examination of such witnesses as shall be produced in support of such claims—And being informed, that you are one of the proprietors of the grant made to the suffering traders by the Six Nations of Indians, and agent for the grantees, We do, in pursuance of the above mentioned resolution, hereby give you notice, that We shall proceed to take the examination of sundry witnesses at Pittsburgh, on the second day of September next, relative to the aforesaid grant.

Signed

JOHN HARVIE,
CHARLES SIMMS,
JAMES WOOD,
ABRAHAM HITE.

B)

That

That by this intervention of a Commonwealth so powerful claiming your Orators property as their own, and assuming a right to exercise their own laws and authority over it, your Orators were at once excluded from the hope of deriving the expected recompence for their sufferings, and enjoying the benefit of the compensation made to them as aforesaid—That those who had thus entered into possession of different parts of the tract in question, were encouraged to resist the claims, and deride the titles of your Orators, whereby your Orators were compelled to relinquish for a time their endeavours to dispose of any part of the land—That the said Commissioners did not however proceed according to the notice thus sent to your Orator, George Morgan—That your Orators, and those under whom they claim, on being convened at the city of Philadelphia, in the month of September following, were informed of the said facts; but a respect for the character, and an apprehension of the power of Virginia, expelled from their minds every thought of resistance—That to represent their rights, and to remonstrate against the injuries then menaced, was the unanimous determination of the company; and the following memorial was therefore prepared and presented to the Legislature of Virginia—

To the REPRESENTATIVES of the FREEMEN of the State of VIRGINIA, in General Assembly met:

The Memorial of the Proprietors of a Tract of Land on the Ohio called Indiana,

Respectfully Sheweth,

THAT in the year one thousand seven hundred and sixty-three, the Shawaneese, Delaware and Huron tribes of Indians, dependants and tributaries of the Six United Nations, contrary to the faith of treaties, and in violation of their repeated promises of protection to the persons, servants and effects of such traders, as should supply them in their own country with merchandize, did, without the least cause, most unjustly and violently seize upon, and appropriate to their own use, the merchandize and effects of several of your Memorialists and others, under whom your Memorialists legally claim—That upon application made to the Six United Nations by Sir William Johnson, Baronet, at the request of the said traders, for a reparation of the damages sustained by the depredations and violences so committed, they did agree to make a compensation to the said traders, and in ratification of the said agreement, at a Treaty held at Fort Stanwix, in the year one thousand seven hundred and sixty-eight, in consideration of eighty-five thousand nine hundred and sixteen pounds, ten shillings and eight-pence, the amount of the value of the damages so sustained, for which the most authentic documents were produced, and the justice of them allowed, and were deposited in the hands of Sir William Johnson, at the request of the grantors, they the said Six United Nations, the true and absolute owners and proprietors of the lands hereafter mentioned, did grant to the said traders, as a retribution for the damages aforesaid, all that tract of land, beginning at the southerly side of the mouth of the Little Kenhawa creek, where it empties itself into the river Ohio, and running from thence south east to the Laurel Hill; thence along the Laurel Hill until it strikes the Monongahela; thence down the stream of the said river Monongahela, according to the several courses thereof, to the southern boundary line of the province of Pennsylvania; thence westerly along the course of the said province boundary line; as far as the same shall extend, and from thence by the same course to the river Ohio; thence down the said river Ohio, according to the several courses thereof, to the place of beginning—That the said grant was obtained after mature consideration of the grantors, under the immediate superintendance of Sir William Johnson, and executed in the presence of the Governor of New-Jersey and others, among whom was the Commissioner then attending the general treaty, in behalf of the colony of Virginia—All which will appear manifest by a reference to a copy of the deed annexed to this memorial—That your Memorialists having these facts before them, could not observe but with concern, that the late convention of Virginia had, by their resolve of the twenty-fourth of June last, laid a foundation for calling in question,

among

among others, the validity of the title of your Memorialists to the lands, so fairly and with so much justice granted to them, and for obstructing them in the sale and disposition of their own property.

First. Because the retribution made to your Memorialists was made in the most public and solemn manner, and could or ought not to have been a matter unknown to the Convention.

Secondly. Because it originated not only in the firmest principles of justice, established by the laws of nature and nations, but the soundest policy.

Thirdly. Because it had been made by the persons, who have been acknowledged in all public and general treaties, and truly were, at the time of the grant, the sole owners and proprietors of the lands granted ; and of consequence having full right to grant the same.

And Fourthly, Because at the time of the grant, there was no subsisting law or ordinance whatsoever, prohibiting persons from accepting a grant of land from the natives.

And yet, if after what has been offered, the title of your Memorialists should notwithstanding, at any future time, be called into discussion, conscious of the equity and validity of their right, they shall never hesitate to submit it to a proper judicatory, nor to defend it in the ordinary course of justice.

Under these circumstances your Memorialists confide, that the Legislature of the colony of Virginia will not, by any act or proceeding whatever, impeach, or in any respect prejudice, the title of your Memorialists, so well established on the principles of reason, equity and sound policy.

Signed by order, and on behalf of the Proprietors of Indiana,

Philadelphia, October 1, 1776.

THOMAS WHARTON, Vice-President.

Yet of this reasonable and moderate address no notice was taken, and the Commissioners were continued for the purposes last aforesaid. Your Orator, George Morgan, some time afterwards received another summons, as follows:

To Colonel GEORGE MORGAN, Agent } February 26, 1777.
for the Indiana Company.

Sir, Please to take notice, that we shall, pursuant to a resolution of the Convention of the Commonwealth of Virginia, on the tenth day of next month, at the house of Mr. John Ormsby in Pittsburgh, proceed to take the depositions of sundry evidences in behalf of the Commonwealth of Virginia, relative to the traders claim to lands on the waters of the Ohio, within the territory and limits of Virginia, which they derive from Indians. We are, Sir, your humble servants,

JAMES WOOD, }
CHARLES SIMMS, } Commissioners.

That your Orator, George Morgan, abstaining from any acknowledgment of the novel and imaginary pretensions of Virginia, attended the said Commissioners at their meeting at Pittsburgh, in order, if possible, to discover upon what grounds these pretensions were founded—That a number of witnesses were examined by the said Commissioners, with a view to support the claim of the commonwealth of Virginia to the lands in question, by virtue of conquest and pre-occupancy, which James Woods, one of the Commissioners from Virginia, then declared to your Orator, George Morgan, to be the ground on which they rested their title, which testimony, if produced, would support and confirm your Orators claim ; but the Commissioners finding the evidence to be adverse to their expectations, dismissed many others without examining them at all—That the Commissioners made a report of their proceedings to the Legislature of Virginia, who however appeared determined to avow a right founded, as your Orators conceive, on no better grounds than the power of enforcing it—That public notice was given, for all persons who claimed any lands under Indian grants, within the dominion or chartered limits of Virginia, to appear before the Legislature at Williamsburg, on the third Monday in May, one thousand seven hundred

hundred and seventy-nine—That your Orators then denying, as they now deny, that the land so granted to them, and those under whom they claim, lay within the dominion or the chartered limits of Virginia, it was difficult to determine on the proper line of conduct to be pursued ; yet, called upon as it were by name, their absence might have been construed into contempt, the hope of convincing Virginia of her error must have been abandoned, and they would have irritated the power, which they knew they could not resist—That to appear, might be perverted into an acknowledgment of territorial rights ; yet to appear, and to enter into a fair communication of titles and exchange of arguments, was the most probable mode of rectifying the minds of those, who were misinformed, and of confirming the opinions of those, who understood the nature, and admitted the validity of your Orators claims—That William Trent therefore attended, on behalf of your Orators, at Williamsburg, at the time appointed, when your Orators claims were stated, and their rights explained by Counsel, at the bar of the House of Delegates—That it was however resolved by that House—“ That the Commonwealth of Virginia hath the exclusive right of pre-emption from the Indians, of all the lands within the limits of its own chartered territory, as declared by the act and constitution of government, in the year one thousand seven hundred and seventy-six ; that no person or persons whatever have, or ever had, a right to purchase any lands within the same, from any Indian nation, except only persons duly authorised to make such purchases, on the public account, formerly for the use and benefit of the Colony and lately of the Commonwealth ; and that such exclusive right of pre-emption will and ought to be maintained by this Commonwealth to the utmost of its power.

“ Resolved, That every purchase of lands heretofore made by the King of Great-Britain, from any Indian nation or nations within the before mentioned limits, doth and ought to enure for ever, to and for the use and benefit of this Commonwealth, and to and for no other use, or purpose whatsoever—

“ Resolved therefore,

“ That the deed from the Six United Nations of Indians, bearing date on the third day of November, one thousand seven hundred and sixty-eight, for certain lands between the Allegany Mountains and the River Ohio, above the mouth of the Little Kenhawa Creek, to and for the use and benefit of a certain William Trent, Gentleman, in his own right, and as Attorney for sundry persons in the said deed named, as well as all other deeds, which have been or shall be made, by any Indian or Indians, for lands within the limits of the charter and territory of Virginia as aforesaid, to or for the use and benefit of any private person or persons, shall be, and the same are hereby declared utterly void, and of no effect.”

That to these resolutions the Senate, after refusing to hear what your Orators requested permission to urge, acceded on the twelfth of the same month. And on the seventeenth of the same month, the following act was passed by the Legislature of Virginia—“ To remove and prevent all doubts, concerning purchases of lands from the Indian natives, Be it declared by the General Assembly, that this Commonwealth hath the exclusive right of pre-emption from the Indians, of all lands within the limits of its own chartered territory, as described by the Act and Constitution of government, in the year one thousand seven hundred and seventy-six—“ That no person or persons whatsoever have, or ever had, a right to purchase any lands within the same, from any Indian nation, except only persons duly authorised to make such purchases on the public account, formerly for the use and benefit of the Colony and lately of the Commonwealth—And that such exclusive right or pre-emption will and ought to be maintained by this Commonwealth, to the utmost of its power. And be it further declared and enacted, that every purchase of lands heretofore made by or on behalf of the Crown of England, or of Great-Britain, from any Indian nation or nations, within the before mentioned limits, doth and ought

" ought to enure for ever, to and for the use and benefit of the Commonwealth, and to and for no other use or purpose whatsoever; and that all sales and deeds which have been, or shall be made by any Indian or Indians, or by any Indian nation or nations, for lands within the said limits, to or for the separate use of any person or persons whatsoever, shall be and the same are hereby declared utterly void and of no effect."

And the Commonwealth thereupon, or about that time, proceeded to dispose of all the valuable land within the said tract, in the same manner that the lands, which belonged to the same Commonwealth, were usually disposed of—And by different acts of the same Legislature, the said tract of land was divided into counties, and Courts of Justice erected, taxes levied, and full possession thereof taken, as if it was in truth part of the State of Virginia—That in this situation your Orators, and those under whom they claim, had no other resource than to solicit, from the United States in Congress assembled, that reparation to which the unjust conduct of Virginia entitled them; and a memorial dated the eleventh day of September, one thousand seven hundred and seventy-nine, a copy whereof is hereto annexed, marked (E) and which your Orators pray may be taken as part of their bill, was presented to that honorable body—That the following resolution was the result of the application: " In Congress, October 30, 1779. Whereas the appropriation of vacant lands by the several states, during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs—Therefore Resolved, That it be earnestly recommended to the State of Virginia, to reconsider their late act of Assembly for opening their Land-office; and that it be recommended to the said State, and all other States similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war." To this recommendation Virginia paid no obedience, her office continued open for the sale of lands asserted or conjectured to be within the limits of her territory; and another application was thus rendered necessary to that general and superintending authority, whose recommendations in most other instances were equivalent to commands. A copy of the second memorial which bore date the thirtieth of November, one thousand seven hundred and eighty, is annexed to this bill marked (F) and which your Orators pray may be taken as part of their bill—That a committee was appointed by Congress, and notice given to the delegates from Virginia, who, however, refused to attend the committee—That the report of this committee was made on the first day of May, one thousand seven hundred and eighty two; an extract of which, so far as it relates to the case of your Orators, is hereto annexed, and which is marked with the letter (G) which your Orators pray may be taken as part of their bill—That upon this report Congress did not act; the circumstances of the war, the necessity of opposing a solid and undivided resistance to the hostilities of the common enemy, the weakness of the authority constitutionally invested in that honorable body, and possibly the recollection of the disregard shewn to its former recommendation, concurred to prevent a decision which could not be enforced—And your Orators with this impartial and judicious report in their hands, patiently waited until the settlement of public affairs, and the restoration of peace afforded a better prospect.

Several years elapsed in expectation that Virginia would become sensible of the injustice done to your Orators, and those under whom they claim, and would make a just and reasonable compensation for the injuries your Orators had sustained; but your Orators being disappointed, determined to appeal again to that sense of justice, which they hoped might yet be found in the Virginia Legislature, and presented another memorial, of which the following is a copy, dated November 23, 1790, and October 17, 1791.

To the HONORABLE the LEGISLATURE of the State of VIRGINIA.

The Memorial of the Proprietors and Share-holders of a Tract of Land called Indiana,
Most respectfully Sheweth,

THAT they have formerly made known to the Honorable Legislature their title to the said tract of land, by a Memorial dated the first day of October, one thousand seven hundred and seventy-six ; to which was annexed an authenticated copy of the deed to your Memorialists, made on the broad basis of a public treaty between two sovereign and independent nations—That this was not an hasty or precipitate negociation, but was begun in May, one thousand seven hundred and sixty-five, by Sir William Johnson, then Superintendant for Indian affairs, and ended November the third, one thousand seven hundred and sixty-eight, by a deed from the rightful owners of the land, to the Crown of England, for the use of your Memorialists ; to which deed several Governors and Commissioners delegated to attend at the treaty, signed as witnesses ; and particularly Thomas Walker, Esquire, the Commissioner from Virginia, who witnessed the said deed in his official capacity—That the said deed was made a part of the treaty —That it was made for the valuable consideration of eighty-five thousand nine hundred and sixteen pounds, ten shillings and eight-pence, New-York money—That neither the Legislature of Virginia, the Crown of England, nor any person or persons, other than your Memorialists, have ever paid any consideration to the original proprietors for the lands in question—That the State of Virginia has derived a great territory from the said treaty, and hath recognized the same in several instances, as the United States have also done in the fullest manner—That the Honorable Legislature of Virginia in their session of June, one thousand seven hundred and seventy-nine, thought it expedient, by an act, to declare void, and of no effect, that part of the treaty which related to your Memorialists ; and by a subsequent act, they directed the sale of all the lands in question for the sole benefit of the State—That a small majority, indeed, united in the act, the object of which was calculated to take from your Memorialists their right, without compensation or the verdict of a Jury—That during that session of Assembly, the justice and equity of your Memorialists case were ably advocated by one half of the Legislature, who, from their public station, could have neither fee nor reward, or promise of any, and were not directly or indirectly interested therein ; the casting vote against compensation to your Memorialists, having been given by the Speaker only : Thence your Memorialists conclude, that they should have had ample justice done them, without having petitioned for it, had not some arguments of expediency been adduced to influence the judgment of the House ; which, from want of information not then attainable, induced the majority to vote against the title of your Memorialists ; which, on a more mature consideration and fuller information, it is probable they would not have done. Your Memorialists beg leave to observe, that they conceive they have been greatly injured by the said act—That they have been deprived of property for which they paid an high consideration, and to which they consider themselves entitled by the laws of nature, of nations, and even of this Commonwealth—That they wish to promote, by every means in their power, the harmony of the National Councils, as well as those of this State ; and for this purpose do now appeal to the justice and magnanimity of that body, from whom the injury was sustained. They earnestly pray, that their claim may be solemnly investigated, and in such manner as may be most satisfactory to the General Assembly, and best calculated to promote justice ; being sincerely disposed, on their part, to yield every accommodation to the wishes of this honorable body, that may be consistent with that end ; and for which purpose they have given full powers to their agent. Your Memorialists do therefore respectfully pray of the honorable Legislature, to reconsider the proceedings of the former House, and grant to your Memorialists such

such redress as may be within the power of the State to give, consistent with its honour, the equity of the case, and the long sufferings of your Memorialists; who as in duty bound will ever pray.

GEORGE MORGAN, One of the Proprietors,
and sole Agent for the Indiana Company.

But from motives to your Orators unknown, the Legislature of Virginia, then refused even to permit the said Memorial to be read—That when your Orators again presented a copy of the said Memorial on the seventeenth of October, one thousand seven hundred and ninety-one, although the Legislature of Virginia permitted the same to be read, the requests of your Orators therein contained, however reasonable in their nature, and respectful in their language, were rejected, and the following vote of the Legislature announced their determination to adhere to their former resolutions: “ November 10, 1791, Resolved, that it is the opinion of this committee, that the “ resolutions passed by the General Assembly, of the ninth day of June, one thousand seven hun- “ dred and seventy-nine, and the act passed during the same session, intituled, “ an Act declaring “ and asserting the rights of this Commonwealth, concerning purchasing lands from Indian natives, “ ought to be adhered to by the present General Assembly.”

Thus, victims of a long series of vexations, of losses, and disappointments, robbed of valuable property by a lawless band of inconsiderate Indians, compensated for those losses by the wiser part of the same tribes, deprived again of that compensation by the interference of a powerful Commonwealth, alternately imploring that Commonwealth to prefer justice to emolument, and beseeching Congress to examine the controversy, and decide upon the right, defeated in one attempt by the interested views of their opponents, and in the other by the defective powers of Congress—Your Orators now present themselves with a claim founded, as they hope, upon irrefragable principles addressed to that authority, before which the great difference between the parties vanishes, and praying that justice which is dispensed without distinction to all. And your Orators expressly charge, that by the unwarrantable interference of the Commonwealth of Virginia they have been prevented from taking possession of, and selling, or otherwise deriving profit from near three millions of acres of land, for which, at the rate of half a dollar per acre, making allowance for land not arable or appropriated to public uses, they might well have obtained one million, one hundred and twenty-eight thousand Mexican dollars—That the original consideration of this tract of land was two hundred and fourteen thousand, seven hundred and ninety-one dollars and thirty-three cents; and that exclusive of the great injury sustained by your Orators, in consuming near twenty-nine years of their lives in the endeavour to obtain justice by reasonable propositions and humble expostulations, they are well entitled to charge for their labors and expences the sum of eighteen thousand three hundred and thirty-three dollars and thirty-three cents, making in the whole two hundred and thirty-three thousand one hundred and twenty-four dollars and sixty-six cents, exclusive of interest on the amount of the said original loss, or on the several sums of money by them at different times expended in the aforesaid behalf; a more particular account of which is hereunto annexed, marked (H) and which your said Orators pray may be taken as part of their bill.

And your Orators further shew unto your Honors, that to avoid swelling their bill to an exceeding great length, and thereby occasioning a considerable charge, they have made out, and annexed hereto, a schedule marked (I) which your said Orators pray may be taken as part of their bill, containing the respective proportional parts or shares, to which each of your Orators is entitled; and are ready to produce the several assignments and other proofs necessary to establish the same—And to the said schedule your Orators, for brevity and perspicuity, beg leave to refer for the conveyances to them of the several shares, of which they respectively stand seized as follows, (viz.)

Your

Your Orators, William Grayson, and Charles Grayson, George Grayson and Hebe Grayson by their next friend the said William Grayson, say they stand seized in fee simple of nine hundred shares in the said territory or tract of country, called Indiana, as described in the original deed, from the Six Nations, to which and a copy thereof, which is hereto annexed and marked with the letter (A) your Orators again beg leave to refer; the said nine hundred shares being part of seven thousand four hundred and twenty-seven shares originally held by William Trent.

And your Orator, Levy Hollingsworth, saith he stands seized in fee simple of three hundred shares, also originally held by the said William Trent.

And your Orator, Simon Nathan, saith he stands seized in fee simple of three hundred shares, also originally held by the said William Trent.

And your Orator, Isaac Wharton, saith that he stands seized in fee simple of three hundred shares, also originally held by William Trent as aforesaid.

And your Orators, Richard Wharton, John Todd, junior, and James Todd, say they stand seized of three hundred shares, in fee simple, which were also originally held by William Trent as aforesaid.

And your Orators, Sarah Trent, Samuel and Anne Raymond, Nathan Beeks and Mary Beeks, and John Trent, say they stand seized of five thousand one hundred and seventy-seven shares in fee simple, which were also originally held by the said William Trent, except two hundred and eighty shares thereof originally held by John Ormsby.

And your Orators, Frances Reed, John Andrews and Elizabeth Andrews, Isabella M'Intire, William Irwin and Anne Irwin, George Thompson and Mary Thompson, Thomas Duncan and Martha Duncan, Catharine Callender, and Robert Callender the younger, by William Irwin his next friend, say they are seized of eight thousand six hundred and fifty-one shares in fee simple, originally held by the said Robert Callender.

And your Orator, David Franks, saith that he stands seized in fee simple of three thousand and ninety shares, originally held by him.

And your Orator, Joseph Simons, saith that he stands seized of four thousand eight hundred and twenty-two shares in fee simple, which were originally held by him.

And your Orator, Levy Andrew Levy, saith that he stands seized in fee simple of three thousand and ninety-seven shares, originally held by him.

And your Orators, David Franks, Joseph Simons, Levy Andrew Levy, Sarah Trent, Samuel and Anne Raymond, Nathan Beeks and Mary Beeks, and John Trent, say they stand seized in fee simple of seven hundred and eighty-four shares, originally held by Philip Boyle.

And your Orator, Thomas Smallman, saith that he stands seized in fee simple of seven hundred seventy-four shares, originally held by him.

And your Orators, George William Prevost, Augustine Prevost the younger, say, and James Prevost, Henry Prevost, Louisa Prevost, Charlotte Prevost, and Susanna Prevost by Augustine Prevost their next friend, say, they stand seized in fee simple of seven hundred and seventy-four shares, originally held by Thomas Smallman.

And your Orators, Edward Pennington, Robert Morris, Joseph Galloway and William Pollard, surviving assignees of John Baynton, Samuel Wharton and George Morgan, say they stand seized in fee simple of eight thousand five hundred and thirty shares, which were originally held by the said John Baynton, of sixteen thousand six hundred and twenty-eight shares, which were originally held by the said Samuel Wharton, and of five thousand four hundred shares, which were originally held by the said George Morgan, amounting together to thirty thousand five hundred and fifty-eight shares.

And

And your Orator, Samuel Wharton, administrator of John Welch, deceased, says that he stands seized in fee simple of three thousand shares originally held by him.

And your Orator, Edmund Moran, says that he stands seized in fee simple of four hundred and five shares originally held by him.

And your Orator, Evan Shelby, faith that he stands seized in fee simple of four hundred and five shares originally held by him.

And your Orator, Samuel Postlethwaite, faith that he stands seized of four hundred and five shares in fee simple originally held by him.

And your Orator, John Gibson, faith that he stands seized of one thousand six hundred and ninety-two shares in fee simple originally held by him.

And your Orator, Edward Cole, faith that he stands seized in fee simple of one thousand two hundred and eight shares originally held by Richard Winston.

And your Orators, heirs of Dennis Croghan, say they stand seized in fee simple of four hundred and thirty shares originally held by the said Dennis Croghan.

And your Orators, Catharine Thompson, George Thompson, Robert Thompson, William Thompson, George and Mary Reed, Galbraith and Catharine Patterson, Juliana Thompson and Elizabeth Thompson, say they are seized in fee simple of three hundred and six shares originally held by William Thompson.

And your Orator, Richard Neave, faith that he is seized of three hundred and fifty-two shares in fee simple, originally held by Abraham Mitchell.

And your Orators, John Dundas, and Burnet Dundas by Henry Pratt his next friend, Anna Dundas, Henry and Elizabeth Pratt, Frederic William and Mary Starman, say, and Sarah Eliza Scriba by her next friend George Scriba, faith that they stand seized in fee simple of three hundred and fifty-two shares, which were originally held by James and Thomas Dundas.

And your Orators, William Floyd, John Stephen Guenet and Joseph Jacques de Pionerie, say they stand seized of one thousand five hundred shares in fee simple, that is to say, the said William Floyd stands seized of six hundred shares, the said John Stephen Guenet stands seized of three hundred shares, and the said Joseph Jacques de Pionerie stands seized of six hundred shares as aforesaid; all of which were originally held by John Ormsby.

And your Orator, William Edgar, faith he stands seized of five hundred and forty-six shares in fee simple, which were originally held by him.

And your Orator, William Temple Franklin, faith he stands seized in fee simple of five thousand three hundred and ninety-nine shares, which were originally held by William Franklin.

And your Orator, Joseph Galloway, faith he stands seized in fee simple of one thousand one hundred and twenty-five shares, which were held by George Croghan, who was originally interested in the consideration for which the deed from the Six Nations was executed.

And your Orators, Owen and Mary Jones, say, and William Fisher by his next friend James Cowles Fisher, faith that they stand seized in fee simple of one thousand one hundred and twenty-five shares, which were held by George Croghan, who was originally interested in the consideration for which the deed from the Six Nations was executed.

And your Orators, Tench Coxe and George Morgan, say they stand seized of three hundred shares held by them in fee simple, by virtue of a deed executed in pursuance of a resolution of the Indiana Company, bearing date the twenty-fifth day of April, one thousand seven hundred and eighty-two.

And your Orator, Thomas Paine, faith that he stands seized in fee simple, of three hundred shares held by him, by virtue of a deed executed in pursuance of a resolution of the Indiana Company, dated the twenty-eighth day of March, one thousand seven hundred and eighty-two.

And your Orator, James Wilson, saith that he stands seized in fee simple of three hundred shares held by him, by virtue of a deed executed in pursuance of a resolution of the Indiana Company, dated the twenty-seventh day of December, one thousand seven hundred and eighty-one.

BUT NOW SO IT IS, that the Commonwealth of Virginia, assuming a right to the said tract of land alike unsupported by justice and by law, and contrary to the due and manifest limits of their own territorial rights, have not only, as is before mentioned, excluded your Orators from the possession, benefit and enjoyment of the whole tract of land, so as aforesaid legally and equitably vested in them, but refused to make them any sort of compensation for the injuries of which they complain.

In tender consideration whereof, and for that your Orators cannot otherwise be relieved in the premises, than by the aid of this Honorable Court—To the end therefore, that true, full and perfect answers may be given on the part of the said Commonwealth, touching all and singular the premises, as fully and particularly as if they were again here repeated, and interrogated more particularly—Whether the said James the First did not, on the sixth day of April, one thousand six hundred and six, grant a patent to Sir Thomas Gates and others, permitting them to settle and inhabit at any place upon the coast of Virginia in America, between thirty-four and forty-one degrees of north latitude, and granting to them and such others, as should join them in establishing a colony, all the lands for the space of fifty miles each way on the sea coast, from the first seat of their plantation, and fifty miles directly into the main land; and whether by the same patent, Thomas Hanham and others, were not authorized to settle and inhabit, and did not receive a grant of a tract of land of the same size described in the same manner?

Whether the said James the First did not, on the twenty-third day of May, one thousand six hundred and nine, grant a patent to Robert, Earl of Salisbury, and many others, by which all the land in that part of America, called Virginia, from the point of land, called Cape or Point Comfort, all along the sea coast to the northward two hundred miles, and from the said Point all along the sea coast to the southward, two hundred miles, and all that space and circuit of land, lying from the sea coast of the precinct aforesaid, up into the land from sea to sea, west and north west, or by any other and what limits, were granted to them and such others, as they should thereafter admit to be joined with them?

Whether the last mentioned charter or patent was not forfeited by the Non-user or Mis-user of the parties interested therein, and seized into the hands of the said King, or whether it was surrendered to him, or how and in what manner, and at what time the same was surrendered, forfeited, lost or destroyed—And whether any other, and what patent or charter was at any time afterwards granted by the said King of England, or any of his successors, to any person or persons whatever, for the said Colony of Virginia; and by any and what bounds and description—And if no charter or patent was so as aforesaid granted, whether the said Colony was not, until the United States became independent of the Kingdom of Great-Britain, governed under the immediate authority of the Crown of Great-Britain, without any regard to the limits mentioned and described in the said charter?

Whether the western limits of the said Colony were ascertained and settled by any, and what deed, patent or charter, from the said Crown of Great-Britain, previous to the third day of November, one thousand seven hundred and sixty-eight, when the said grant to your Orators was so as aforesaid made; and if so ascertained, that the said limits may be particularly set forth and described in their answer to this bill?

Whether your Orators, and those under whom they claim, were not robbed, by a lawless party of Indians, of goods and merchandize to the value of eighty-five thousand nine hundred and sixteen pounds, ten shillings and eight-pence, New-York currency—Whether the deer herein before set

set forth, and charged by your Orators to have been made by the Chiefs of the several tribes of Mohawks, Onondagoes, Senecas, Oneidas, Cayugas, Tuscaroras, Shawanees and Delawares, to the King of Great-Britain, on the third day of November, one thousand seven hundred and sixty-eight, at Fort Stanwix, was not duly executed at the time and place it bears date, and was not given in consideration of the aforesaid depredations committed on the property of your Orators, and those under whom they claim ; and in compensation therefor, whether it was not witnessed by Thomas Walker of Virginia; and whether the said Thomas Walker was not duly commissioned, on the part of the said Commonwealth (then Colony of Virginia) to attend and act at the treaty with the Indians, then and there holden ; and whether it was not the duty of the said Thomas Walker, if any part of the territory, belonging to the said Colony of Virginia, had been unjustly appropriated, to have objected thereto ; and whether he did not on the contrary, by his attesting the said grant, indicate the acquiescence of Virginia therein ?

Whether upon the measures herein before mentioned being taken by your Orators, and those under whom they claim, for the sale of the said tract of land, the Convention of the State of Virginia, on the twenty-fourth day of June, one thousand seven hundred and seventy-six, then sitting at Williamsburgh, did not pass a resolve in substance as herein before set forth, or any other and what resolve relative to the premises ?

Whether certain Commissioners were not then, or soon afterwards, and when appointed by the said Convention, or by some other sufficient authority within the said Commonwealth, to call before them any, and what witnesses, for the purpose of establishing the title of the Commonwealth of Virginia to the premises herein before described, by virtue of conquest and pre-occupancy, or by virtue of any, and what other title or pretence of title, and whether the said Commissioners did not afterwards, to wit, on or about the tenth day of March, one thousand seven and seventy-seven, at Pittsburgh, or at any other, and what time and place, assemble together for the examination of witnesses ; and whether they did not give notice to your Orator, George Morgan, to attend ; and whether they then and there, or at any other, and what time, took the depositions of any and what witnesses, in pursuance of such directions ; and that a copy of such depositions may be produced and left with the proper officer of this honorable Court for the inspection of your Orators ?

Whether the Legislature of Virginia did not, on the ninth day of June, one thousand seven hundred and seventy-nine, or at any other, and what time, resolve as is herein before in substance set forth ; and that a copy of such resolutions may be produced, and left with the proper officer of this honorable Court for the inspection of your Orators ?

Whether on the seventeenth day of June, one thousand seven hundred and seventy-nine or at any other, and what time, an act of the General Assembly was not passed as herein before in substance set forth ; and that a copy of the same may be produced, and left with the proper officer of this honorable Court for the inspection of your Orators ?

Whether the lands contained within the said tract, as aforesaid vested in and claimed by your Orators, have not been sold and granted, or patented by the said Commonwealth to divers persons, at the rate at which the lands of the Commonwealth of Virginia were usually sold, or at any other, and what rate ; and whether counties have not been erected in the said tract, and by what names, and courts of justice held ; and whether the said Commonwealth hath not levied taxes thereon, and otherwise drawn great profits therefrom ; and whether, by the interference of the said Commonwealth, and the said acts and resolutions, particularly the said resolution of the Convention, on the twenty-fourth day of June, one thousand seven hundred and seventy-six ; and the said act of the Legislature, on the seventeenth day of June, one thousand seven hundred and

and seventy-nine, your Orators have not been prevented from disposing of the said lands or of great part thereof, upon very beneficial terms?

Whether notwithstanding the ill success of all the former endeavours of your Orators to effect an amicable settlement with the said Commonwealth, further applications were not made to the said Legislature, on the twenty-third day of November, one thousand seven hundred and ninety, and the seventeenth day of October, one thousand seven hundred and ninety-one, by your Orator, George Morgan, on behalf of your other Orators and himself, as herein before set forth; and whether the said Legislature did not refuse to hear the first of the said applications, and after having received the last, did not, by a resolution dated the tenth day of November, one thousand seven hundred and ninety-one, declare as before recited?

And that the said Commonwealth of Virginia may be adjudged to make full compensation to your Orators for the losses and damages sustained by them, and those under whom they claim, by reason of their unwarrantable intrusion into your Orators said lands, and prohibiting and hindering of your Orators from felling the same, or deriving any benefit therefrom—

And to the end that your Orators may have such further and other relief in the premises as to this Honorable Court shall seem meet—

MAY IT PLEASE YOUR HONORS to grant unto your Orators, a Writ of Subpoena to be directed to the Commonwealth of Virginia, thereby commanding the said Commonwealth, at a certain day, and under a pain therein to be limited, to be and appear before your Honors in this Honorable Court; and then and there full, true, direct and perfect answer make, to all and singular the premises; and further to stand to, perform and abide, such further order, direction and decree therein, as to your Honors shall seem meet, and your Orators shall ever pray.

William Lewis.

William Rawle.

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING,

KNOW YE, That we Abraham a Mohawk Chief, Sennghois an Oneida Chief, Saquarifera a Tuscarora Chief, Chenaugheata Chief of the Onondago Council, Tagaaia a Cayuga Chief, and Gaustarax a Seneca Chief; Chiefs and Sachems of the Six United Nations, and being and effectually representing all the Tribes of the said Six United Nations, SEND GREETING:

WHEREAS Robert Callender, David Franks, Joseph Simons, Levy Andrew Levy, Philip Boyle, John Baynton, Samuel Wharton, George Morgan, Joseph Spear, Thomas Smallman, Samuel Wharton, administrator of John Welch, deceased; Edmund Moran, Evan Shelby, Samuel Postlethwaite, John Gibson, Richard Winston, Dennis Croghan, William Thompson, Abraham Mitchel, James Dundas, Thomas Dundas, and John Ormsby; in and by their several and respective letters or powers of attorney, duly signed, sealed, and delivered by them, and now produced, interpreted and explained to us; have constituted, nominated, and appointed William Trent of the County of Cumberland and Province of Pennsylvania, Merchant, their lawful Attorney and Agent, to ask, solicit, demand and receive from the Sachems, Councillors and Warriors of the said Six United Nations, a grant of a tract of land, as a compensation, satisfaction or retribution, for the goods, merchandize and effects of the said William Trent, and the traders aforesaid, which the Shawaneese, Delaware and Huron Tribes, tributaries of the said Six Nations, (contrary to all good faith, and in violation of their repeated promises of safety and protection to their persons, servants and effects, whilst trading in their country) did, in the spring of the year one thousand seven hundred and sixty-three, violently seize upon and unjustly appropriate to their own use:

And whereas we are now convened in full Council, by order of our Father the King of Great-Britain, France and Ireland, Defender of the Faith, &c. at Fort Stanwix, in the Province of New-York, in order to agree for, ascertain, and finally fix and settle a permanent and lasting boundary line between the hunting country, which we, at the conference aforesaid, shall and will reserve for ourselves, our children, and our tributaries and the territories of the said King of Great-Britain:

And whereas application was formerly made to the said Six United Nations by Sir William Johnson, Baronet, at the requisition of the aforesaid traders, who had sustained and suffered the losses aforesaid, for a retribution for the same, which the said Six United Nations promised and agreed to, whensoever he, the said Sir William Johnson, Baronet, should be impowered by his said Majesty, the King of Great-Britain, to establish the boundary line aforesaid:

And whereas the said Sir William Johnson, Baronet, has now, at this present Congress, reminded the said Six United Nations of their said promise: and at the earnest desire of the aforesaid traders, by their said attorney, strongly recommended to the said Six United Nations, to make them a restitution, by a grant of a tract of land to his said Majesty the King of Great-Britain, his heirs and successors, to and for the only use, benefit and behoof of the said William Trent, in his own right, and as attorney as aforesaid; all which the said Six United Nations having taken into their consideration, and being heartily disposed to agree thereunto, as an instance of their justice and concern for the said losses, do therefore by these presents signify, publish, and declare, that notwithstanding the grant and gift hereby made and given by them unto his said Majesty the King of Great-Britain, and so forth (to and for the only use, benefit and behoof of the said William Trent, in his own right, and as attorney as aforesaid) will be included within the cession, sale and boundary line, which the said Six United Nations shall and will make, sell and grant to the said King of Great-Britain, at the conference aforesaid, now holden at Fort Stanwix aforesaid, by the said Sir William Johnson, Baronet:

Yet nevertheless the said Six United Nations have neither asked, demanded, nor received from him the said Sir William Johnson, Baronet, nor from any other person or persons, in behalf of the said King of Great-Britain, any consideration for the hereby given and granted premises ; neither shall nor will the said Six United Nations, nor their heirs nor descendants, (and by these presents, they the said Six United Nations, wholly and entirely interdict and prohibit them from so doing) demand nor receive from the said King of Great-Britain, nor from his successors, nor from his or their Ministers or servants, any consideration whatsoever, or howsoever, for the hereby granted, bargained, or now given premises, or any part, purpart, or parcel thereof, the same being their own voluntary act and deed, solely and bona fide designed and intended by them as a compensation, satisfaction and retribution for the losses sustained by the said William Trent, and the Indian traders aforesaid, by the depredations of the Shawanees, Delaware, and Huron Tribes of Indians aforesaid, in the aforesaid year one thousand seven hundred and sixty-three:

NOW THIS INDENTURE WITNESSETH, That we the said Abraham, Sennghois, Saquarisera, Chenaugheata, Tagaaia, and Gaustarax, (Chiefs and Sachems of the said Six United Nations, and being and effectually as aforesaid representing all the tribes of the Six United Nations) for and in consideration of the sum of eighty-five thousand nine hundred and sixteen pounds, ten shillings and eight-pence, lawful money of the province of New-York ; the same being the amount of the goods and merchandize, which were unjustly seized and taken, as aforesaid, by the Shawanees, Delaware and Huron tribes of Indians aforesaid, from the said William Trent, Robert Callender, David Franks, Joseph Simons, Levy Andrew Levy, Philip Boyle, John Baynton, Samuel Wharton, George Morgan, Joseph Spear, Thomas Smallman, Samuel Wharton, administrator of John Welch, deceased; Edmund Moran, Evan Shelby, Samuel Postlethwaite, John Gibson, Richard Winston, Dennis Croghan, Wil'iam Thompson, Abraham Mitchel, James Dundas, Thomas Dundas and John Ormsby, in the aforesaid year of one thousand seven hundred and sixty-three, whereof just and fair accounts have, on oath and affirmation, been produced, interpreted, and explained to us ; and which, at our desire, are now lodged and deposited with the said Sir William Johnson, Baronet ; and for and in consideration of the sum of five shillings, lawful money aforesaid, to us in hand paid by the said William Trent, the receipt whereof we do hereby acknowledge, do give, grant, bargain, and sell unto his said Majesty, his heirs and successors, to and for the only use, benefit and behoof of the said William Trent, in his own right, and as attorney aforesaid, all that tract or parcel of land, beginning at the southerly side of the mouth of the Little Kenhawa Creek, where it empties itself into the River Ohio, and running from thence south east to the Laurel Hill ; thence along the Laurel Hill until it strikes the River Monongahela, according to the several courses thereof, to the southern boundary line of the Province of Pennsylvania ; thence westerly, along the course of the said Province boundary line, as far as the same shall extend, and from thence by the same course to the river Ohio ; thence down the said river Ohio, according to the several courses thereof, to the place of beginning, together with all and singular the trees, woods, underwoods, mines, minerals, ores, waters, water courses, fishings, fowlings, huntins, profits, commodities, advantages, rights, liberties, privileges, hereditaments, and appurtenances whatsoever, to the said tract or parcel of land belonging, or in any ways appertaining ; or which now are, or formerly have been accepted, reputed, taken, known, used, occupied or enjoyed, to or with the same, or as part, parcel or member thereof, and the reversion and reversions, remainder and remainders, rents, issues, and profits, of all and singular the said premises above mentioned, and every part or parcel thereof, with the appurtenances : And also all the estate, right, title, interest, property, claim and demand whatsoever, whether native, legal or equitable, of us the said Indians, and each and every of us, and of all and every other person and persons whatsoever, of or belonging to the said nations, of, in, to and out of,

all and singular the premisses above mentioned, and of, in, to and out of, every part and parcel thereof, with the appurtenances; to have and to hold, all and singular the said tract, parcel and parcels of land, given, granted, and bargained premisses, with their appurtenances unto his said Majesty King George the Third, his heirs and successors, but to and for the only use, benefit and behoof of the said William Trent in his own right, and as attorney aforesaid, his heirs and assigns for ever: And the said Abraham, Sennghois, Saquarifera, Chenaugheata, Tagaaia, and Gaustrarax, for themselves, and for the Six United Nations, and all and every other nation and nations, tribes, tributaries and dependants on the said Six United Nations, and their, and every of their posterities, the said tract and parcel of land and premisses, and every part thereof, against them the said Abraham, Sennghois, Saquarifera, Chenaugheata, Tagaaia, and Gaustrarax, and against the said Six United Nations, and their tributaries and dependants, and all and every of their posterities, to his said Majesty, his heirs and successors, but to and for the only use, benefit, and behoof of the said William Trent in his own right, and as attorney aforesaid, his heirs and assigns, shall and will warrant and for ever defend by these presents.

IN WITNESS WHEREOF, We the said Chiefs and Sachems, in behalf of ourselves respectively, and in behalf of the whole Six United Nations aforesaid, have hereunto set our hands and seals, in the presence of the persons subscribing as witnesses hereunto, at a Congress held at Fort Stanwix aforesaid, this third day of November, in the ninth year of his Majesty's reign, and in the year of our Lord one thousand seven hundred and sixty-eight.

Sealed and Delivered in the presence us,

<i>William Franklin,</i> Governor of New-Jersey.	<i>Abraham or Tyahanesera, (L.S.)</i> Chief of the Mohawks—A Steel, the mark of his nation.
<i>Frederick Smith,</i> Chief Justice of New-Jersey.	
<i>Thomas Walker,</i> Commissioner for Virginia.	<i>William or Sennghois, (L.S.)</i> Chief of the Oneidas—A Stone, the mark of his nation.
<i>Richard Peters,</i> } of the Council of <i>James Tilghman,</i> } Pennsylvania.	
<i>John Skinner,</i> Captain in the 70th Regiment.	<i>Hendrick or Saquarifera, (L.S.)</i> Chief of the Tuscororas—A Cross, the mark of his nation.
<i>Joseph Chew,</i> of Connecticut.	
<i>John Weatherhead,</i> of New-York.	<i>Bunt or Chenaugheata, (L.S.)</i> Chief of the Onondagoes—A Mountain, the mark of his nation.
<i>John Walker,</i> of Virginia.	
<i>E. Fitch,</i> of Connecticut.	<i>Tagaaia, (L.S.)</i> Chief of the Cayugas—A Pipe, the mark of his nation.
<i>Thomas Walker, jun.</i> of Virginia.	
<i>John Butler,</i> Interpreter for the Crown.	<i>Gaustrarax, (L.S.)</i> Chief of the Senecas—A High Hill, the mark of his nation.

On the 7th day day of January, in the year of our Lord one thousand seven hundred and fifty-nine, before me Isaac Jones, Esquire, Mayor of the city of Philadelphia, came the Reverend Richard Peters, Rector of the two United Churches of Christ Church and St. Peters in Philadelphia, one of the subscribing witnesses to the within written deed, and made oath on the Holy Evangelists of Almighty God, that he was present, and did see the within named Abraham, or Tyahanesera, a Chief of the Mohawks; William, or Sennghois, a Chief of the Oneidas; Hendrick, or Saquarifera, a Chief of the Tuscororas; Bunt, or Chenaugheata, a Chief of the Onondagoes; Tagaaia, a Chief of the Cayugas; and Gaustrarax, a Chief of the Senecas, make the several marks in the within written deed, against their respective names placed, as the particular mark of each nation; and did also see the said Abraham or Tyahanesera; William or Sennghois; Hendrick or Saquarifera; Bunt or Chenaugheata; Tagaaia, and Gaustrarax, respectively, seal, and as their act and deed deliver in behalf of themselves and the several nations, which they effectually represented, the within written deed poll; and that the name Richard Peters subscribed thereto, as a witness of the same, is of his own hand writing: And also that the said Richard Peters saw William Franklin, Governor of New-Jersey; Frederick Smith, Chief Justice of New-Jersey; Thomas Walker,

Commissioner for Virginia; James Tilghman, of the Council of Pennsylvania; John Skinner, Captain in the 70th regiment; Joseph Chew of Connecticut; John Walker of Virginia; E. Fitch of Connecticut; Thomas Walker, junior, of Virginia, and John Butler, Interpreter for the Crown; subscribe their names as witnesses, likewise, to the signing, sealing and delivery of the within written deed poll.

WITNESS my hand and seal the day and year aforesaid,

Isaac Jones, (L. S.)

(B)

A SCHEDULE of the shares and rateable proportions and purparts of and in that certain Tract of Land called INDIANA, viz.

Proprietors Names.	Amount of losses, Pennsylvania Currency.	Number of Shares.
William Trent, — — — — —	£. 7147	7147
Robert Callender, — — — — —	8651	8651
David Franks, — — — — —	5730	5730
Joseph Simons, — — — — —	4822	4822
Levy Andrew Levy, — — — — —	3097	3097
The said William Trent, David Franks, Joseph Simons and Levy Andrew Levy in right of Philip Boyle, — — — — —	784	784
Thomas Smallman and George Croghan, — — 1548 — 1584	1584	1584
John Baynton's Executors and Devisees, — — — — —	8530	8530
Samuel Wharton, — — — — —	16628	16628
George Morgan, — — — — —	5400	5400
Samuel Wharton, Administrator of John Welch, — — — — —	3000	3000
Edmund Moran, Evan Shelby and Samuel Postlethwaite, — — — — —	1215	1215
John Gibson, — — — — —	1692	1692
Edward Cole, — — — — —	1208	1208
Dennis Croghan, — — — — —	430	430
William Thompson, — — — — —	306	306
Richard Neave, — — — — —	352	352
James Dundas, — — — — —	352	352
John Ormsby, — — — — —	1780	1780
William Edgar, — — — — —	546	546
William Franklin, — — — — —	5399	5399
Joseph Galloway, — — — — —	1125	1125
Thomas Wharton, — — — — —	1125	1125

(C)

AT a meeting of the Proprietors of Indiana at the Indian Queen tavern in Philadelphia, the twentieth day of March, one thousand seven hundred and seventy-six,

Resolved, That George Morgan is unanimously appointed Secretary of the Land-office and Receiver-General.

(D.) THE

(D)

THE Grantees and Proprietors of the retribution lands, now called Indiana, herein after described, having by certain deeds and articles of agreement, settled and ascertained their several and respective shares in the said tract of land and premises, and agreed upon certain rules and regulations for the sale thereof; and having for that purpose appointed the subscriber George Morgan, Secretary and Receiver-General of their Land-office, and empowered him to issue warrants for the taking up of lands, to receive the price or consideration money, and to grant patents or deeds of confirmation of the same—This, therefore, is to give notice, that the said Proprietors Land-office will be opened on or before the first day of next May on the premises, for all persons who made settlements and improvements before the first day of January last past, within any part of that tract of country, beginning at the southerly side of the mouth of Little Kenhawa Creek, where it empties itself into the river Ohio, and running from thence south-east to the Laurel Hill; thence along the Laurel Hill until it strikes the River Monongahela; thence down the stream of the said River Monongahela, according to the several courses thereof, to the southern boundary line of the province of Pennsylvania; thence westerly along the course of the said province boundary line, as far as the same shall extend, and from thence by the same course to the River Ohio; thence down the said River Ohio, according to the several courses thereof, to the place of beginning—And the said office will continue open until the first day of January next; within which time all such settlers may, on application to the Land-office, have warrants for any quantity of land not exceeding four hundred acres, with the allowance of six per cent. for roads and highways, at the rate of fifty Spanish milled dollars, weighing seventeen pennyweights and six grains each, or the value thereof in current money of any of the neighbouring colonies, for every one hundred acres, and the allowance, without reserving any quit-rent to them the said Proprietors. The purchase money to be paid immediately after the return of the survey, or a bond and mortgage on the premises to be given to the Proprietors for securing the payment thereof, with interest at five per cent.

The actual settlers being thus first secured in their possessions, the unsettled lands will all be surveyed into lots of four hundred acres each, for the Proprietors, and the terms on which they will be sold, made public.

April 1, 1776.

GEORGE MORGAN.

The settlers of Indiana, and others, may, on application to Mr. Morgan, view and examine the title deeds of the Proprietors, and be furnished with attested copies of the Indian grants to them.

(E)

To the HONORABLE the REPRESENTATIVES of the UNITED STATES of AMERICA in CONGRESS ASSEMBLED.

The MEMORIAL of the PROPRIETORS of a Tract of Land called INDIANA,

HUMBLY SHEWETH,

THAT in the year 1763 the Shawaneese, Delaware and Huron Tribes of Indians, then dependents and tributaries of the Six United Nations, contrary to the faith of treaties, and in violation of their repeated promises of protection to the persons, servants and effects of such traders as should supply them in their own country with merchandize, did without the least cause most unjustly and violently seize upon and appropriate to their own use the merchandize and effects of several of your Memorialists, and of others under whom your Memorialists legally claim.

That at a conference held at Johnson Hall with the Six United Nations, May 2, 1765, Sir William Johnson, Superintendant of Indian Affairs, represented to the said nations “ the treacherous

erous and cruel part acted by some of their people, in plundering a number of traders at Logstown and upon the Ohio, who were supplying them with goods (as aforesaid) and in behalf of the said traders, he required, that as some compensation for their losses a grant might be made to them of a tract of land ; which requisition the Six Nations promised to take into their consideration, and to do therein what should be reasonable, and hoped thereby to render themselves more regarded by the English"—And towards the conclusion of the conference, May the 6th, they proceeded further, " and promised that the request of the traders should be complied with, and that they would give them some land near Fort-Pitt"—That after four years deliberation, viz. on the third day of November, 1768, at a General Congress with the Six Nations and other Indians held at Fort Stanwix, in consideration of the sum of eighty-five thousand nine hundred and sixteen pounds, ten shillings and eight-pence, the amount of the value of the damages sustained by the traders, for which the most authentic documents were produced, and the justice of them allowed, the said Six United and independent Nations, the true and absolute owners and proprietors of the said tract of land called Indiana, did grant to the said traders, as a retribution for their damages aforesaid, all the said tract described as follows, viz. "beginning " at the southerly side of the mouth of Little Kenhawa Creek, where it empties itself into the " River Ohio, and running from thence south east to the Laurel Hill ; thence along the Laurel " Hill until it strikes the River Monongahela ; thence down the stream of the said River Mo- " nongahela, according to the several courses thereof, to the southern boundary line of the Pro- " vince of Pennsylvania ; thence westerly along the course of the said Province boundary line as " far as the same shall extend, and from thence by the same course to the River Ohio ; thence down " the said River Ohio, according to the several courses thereof, to the place of beginning"—That the said grant to the traders was made the very basis of the treaty at Fort Stanwix, it being thought proper to begin with an act of justice to distressed subjects, who had been robbed by the tributaries of the said Six Nations, and to establish a point of policy among savage tribes, which might lessen or prevent future robberies, by compelling retribution ; and therefore the deed to the traders was executed, and bears date prior to those other solemn deeds or grants, by which the said Six Nations at the said treaty ceded a large territory to the use of these States, together with a clear and explicit boundary of at least one thousand miles ; the advantages and validity of the treaty having been recognized by all these States, and by Virginia in particular, in her Memorial of 1769, as well as in public treaty, since the independence of these States.

That the said tract of land being thus obtained for so valuable a consideration, and with every circumstance of notoriety and authority, that can give validity to any grant, was afterwards (as being included within the bounds of a larger tract of land called Vandalia) by an order of the King of Great-Britain in Council, before the declaration of the independency of these States, separated from the dominion which in right of the Crown, Virginia claimed over it ; and notification was given to the said Six Nations that the said tract of Vandalia, including Indiana aforesaid, was to be erected into a separate government, under the sovereignty of the said King of Great-Britain ; and therefore your Memorialists are advised that the said tract of country cannot remain now subject to the jurisdiction of Virginia, or of any particular State, but of the whole United States in Congress assembled, in whom the sovereignty is now vested.

That your Memorialists find themselves obliged to represent with regret, that some late acts of the State of Virginia, directing the sale of the lands in question to commence in October next, for the particular benefit of that State, seem intended to prevent and defeat the interposition of Congress, on a matter of the utmost national consequence to all these states, and appear subversive of every rule of justice in the determination either of private or public property, for the following among other reasons :

First. Because your Memorialists apprehend that the order of Council above referred to, was a sufficient separation of the lands in question from the jurisdiction of Virginia, who could only claim the same under the Crown ; and that if any doubt could arise thereon, the United States, as successors to the sovereignty, are the only judges ; but that Virginia has constituted herself a judge in her own cause, and for her own emolument, begun to seize and set up for sale the property of the said distressed traders and their families, so fairly obtained, and for so great a consideration.

Secondly. Because the said proceedings of Virginia seem to invalidate a solemn treaty made with independent Indian Nations, and fully recognized by all those States, as of the greatest national advantage, the basis of which as before mentioned was an act of justice to the said traders. And it is to be hoped, the wisdom, policy and justice of these States will never suffer such a spectacle to be exhibited to the world, as a “ heathen people seeking to do a deliberate “ and solemn act of justice, while a christian State strives to prevent them :” Nor let it once be made a question whether sovereign and free Indian Nations may not recompence an injury or satisfy a debt by a sale of part of their own lands ; but that the debt and injury are both to be raised against them at a future day.

Your Memorialists therefore pray this honorable House to take their distressed case into speedy consideration, and that such order may be directed thereon, as in your wisdom you may think proper to stay Virginia in the sale of the lands in question, till Virginia as well as your Memorialists can be heard before your honorable House, and the whole rights of a tract of land called Vandalia, of which Indiana is part, shall be ascertained in such manner, as may tend to support the sovereignty of the United States and the just rights of individuals therein. And your Memorialists as in duty bound shall pray.

Signed by order and on behalf of the Proprietors,

and as their Agent,

GEORGE MORGAN.

Philadelphia, September 11, 1779.

(F)

To the HONORABLE the REPRESENTATIVES of the UNITED STATES of AMERICA in CONGRESS ASSEMBLED.

The MEMORIAL of the PROPRIETORS of a Tract of Land called INDIANA,

RESPECTFULLY SHEWETH,

THAT the right which your Memorialists conceive to be vested in them, to the before mentioned tract of land, has already been represented to this Honorable House.

That your Memorialists are willing and anxious to have the question, respecting the property of the said tract of land, decided by Congress, by whom alone, it is presumed, a proper and competent decision can be made.

Your Memorialists therefore beg leave to solicit this Honorable House, to appoint a day for hearing the parties interested in this question, so that it may be fully explained and considered, and a just and impartial determination of it may be obtained, as speedily as the nature and circumstances of the case, and the situation of public affairs will admit.

Signed .. GEORGE MORGAN, Agent for the Indiana Proprietors,
and by their order.

Philadelphia, November 30, 1780.

(G) IN

IN CONGRESS, May 1, 1782.

THE Committee to whom the cessions of New-York, Virginia, Connecticut, the petitions of the Indiana, Vandalia, Illinois and Wabash Companies were referred, do report, that having had a meeting with the Agents on the part of New-York, Connecticut and Virginia, the Agents for New-York and Connecticut laid before your Committee their several claims to the lands said to be contained in their several States, together with vouchers to support the same; but the Delegates, on the part of Virginia, declining any elucidation of their claim, either to the lands ceded in the act referred to your committee, or the lands requested to be guaranteed to the said State by Congress, delivered to your committee the written paper hereto annexed and numbered twenty— That your committee have carefully examined all the vouchers laid before them, and obtained all the information into the state of the lands mentioned in the several cessions aforesaid; and having maturely considered the same, are unanimously of opinion, and do report the following resolutions—

Resolved, That Congress cannot consistent with the interest of the United States, the duty they owe to their constituents, or the rights necessarily invested in them, as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia, or guarantee the tract of country claimed by them in their act of cession, referred to your Committee.

For that it appeared that a large tract of said lands hath been legally and equitably sold and conveyed away under the government of Great-Britain, before the declaration of independence by persons claiming the absolute property thereof.

Your Committee further report, that they have had a conference with the Agents for the several petitioners, calling themselves the Indiana, Vandalia, Illinois and Wabash Companies, and also of Colonel Croghan, and have seen and carefully examined their several vouchers and deeds; to which conference your Committee invited the Delegates for Connecticut, New-York and Virginia, but the Delegates for Virginia refused to attend.

On the whole your Committee are of opinion, that the purchases of Colonel Croghan and the Indiana Company were made bona fide for a valuable consideration, according to the then usage and custom of purchasing lands from the Indians, with the knowledge, consent and approbation of the Crown of Great-Britain, the then governments of New-York and Virginia, and therefore do recommend, that it be

Resolved, That if the said lands are finally ceded or adjudged to the United States in point of jurisdiction, that Congress will confirm to such of the said purchasers, who are and shall be citizens of the United States, or either of them, their respective shares and proportions of said lands, making a reasonable deduction for the value of the quit-rents reserved by the Crown of England.

(H)

AN ACCOUNT of the Labor and Expences which the Indiana Company have been at on account
of their Lands in Indiana.

	Dollars.
To William Trent's labor and expences in collecting the accounts and powers of attorney from the suffering traders, from 1763 to 1768,	— 3000
To Samuel Wharton's ditto, and in attending the Treaty at Fort Stanwix, in- cluding presents he and Mr. Trent made the Indians	— 3000
	<hr/>
Carried forward, Dollars	6000

Carried forward, Dollars 6000

To Samuel Wharton's and William Trent's time and expences to, at, and from London, where they went under the idea of asking and obtaining a confirmation of the Indian deed from the Crown, but found such confirmation unnecessary, each 2000 dollars	—	—	—	—	4000
To the labor and expences of the parties meeting at Pittsburgh, in the year 1775,	—	—	—	—	400
To ditto —— of ditto at Carlisle,	—	—	—	—	400
To ditto —— of ditto at Lancaster,	—	—	—	—	400
To ditto —— of ditto at Philadelphia,	—	—	—	—	400
To sundry expenditures of the Company to promote the arrangement of their interest,	—	—	—	—	1733 $\frac{33}{100}$
To the unremitted attention of George Morgan from the year 1775 to the present day, in the service of the Company, and his expences and labor 16 years in going to the Ohio, in his attendance on Congress at various sessions at Philadelphia and Annapolis, and twice on the Legislatures of Virginia at Richmond, to supplicate for justice in the years 1790 and 1791,	—	—	—	—	5000
			Total Dollars		18333 $\frac{33}{100}$

SCHEDULE (I)

Claimants.	Persons under whom the Claim is made.	Title.	Shares or Portions of Shares.	Numbers of Shares belonging to the original Holders.
1st. William Grayson, Charles Grayson, George Grayson, Hebe Grayson,	under William Grayson, who purchased of William Trent.	Assignment to William Grayson, dated last Will and Testament of William Grayson, dated devising to the Claimants his share in the premises.		900
Levy Hollingsworth, Simon Nathan,	William Trent. under Barnard Gratz, who purchased from William Trent.	Assignment dated Assignment dated		300 300
Isaac Wharton, Richard Wharton, John Todd, jun. and James Todd,	William Trent.	Assignment dated Last Will and Testament of William Trent, dated		300 300
Sarah Trent, Sam. & An. Raymond, Nathan & Mary Beeks, And John Trent,	William Trent, as well for the residue of 7147 the number originally held by him, as of 280 he had purchased from John Ormsby.	Assignment from John Ormsby to William Trent, dated last will and testament of William Trent, dated		5177 7427
		G		2d. Frances

<i>Claimants.</i>	<i>Persons under whom the Claim is made.</i>	<i>Title.</i>	<i>Shares or Portions of Shares.</i>	<i>Numbers of Shares belonging to the original Holders.</i>
2d. Frances Reed, John & Eliza Andrews, Isabella M'Intire, William & Anne Irwin, Geo.&MaryThompson, Thos.&MarthaDuncan, Catharine Callender, And Robert Callender,	Robert Callender.	Last will and testament of Robert Callender, dated	8651	8651
3d. David Franks,		Original grant from the Six Nations.	3097	3097
4th. Joseph Simons,		Original grant from the Six Nations.	4822	4822
5th. Levy Andrew Levy,		Original grant from the Six Nations.	3097	3097
6th. David Franks, Joseph Simons, Levy Andrew Levy, And Sarah Trent, Samuel Raymond, & Ann Raymond, Nathan&MaryBeeks, And John Trent,	Philip Boyle.	Assignment to David Franks, JosephSimons, Levy Andrew Levy, and William Trent, dated William Trent's will dated	784	784
7th. Thomas Smallman,		Original grant from the Six Nations.	774	
GeorgeWilliam Provost, Augustine Provost, James Provost, Henry Provost, Louisa Provost, Charlotte Provost, And Sufanna Provost, children of Sufanna Provost, deceased,	Thomas Smallman.	Assignment to George Croghan, dated George Croghan's last will and testament, dated	774	1548
8th. EdwardPennington, Robert Morris, Joseph Galloway, And William Pollard, Surviving Assignees of	John Baynton, Samuel Wharton and George Morgan.	Assignment, dated	8530 16628 5400	
				30558
				6th. Samuel

<i>Claimants.</i>	<i>Persons under whom the Claim is made.</i>	<i>Title.</i>	<i>Shares or Proportions of Shares.</i>	<i>Numbers of Shares belonging to the original Holders.</i>
9th. Samuel Wharton, Administrator of John Welch,	John Welch.	John Welch died intestate, and the names in the first column are those of his widow and children, or the husbands of his children ; Samuel Wharton being administrator and a creditor of John Welch, his name is used in the original deed.		3000 3000
Margaret relict of John Welch,				
John Welch,				
Jared or Gerard Welch,				
Joseph Welch,				
Abraham and Ann Morrow,				
James and Mary Prange,				
Margaret Sturdivan,				
10th. Edmund Moran,		From No. 10 to 13 inclusive are original holders under the grant from the Six Nations.	405	405
11th. Evan Shelby,			405	405
12th. Samuel Postlethwaite,			405	405
13th. John Gibson,			1692	1692
14th. Edward Cole,	Richard Winston.	Assignment, dated	1208	1208
15th. Heirs of Dennis Croghan, names unknown,	Dennis Croghan.	Dennis Croghan died intestate, Edward Cole is his principal creditor.	430	430
16th. Catha. Thompson, widow, and George Thompson,		Last will and testament of William Thompson, dated	306	306
Robert Thompson,	William Thompson.			
William Thompson,				
George and Mary Reed,				
Galbraith and Catharine Patterson,				
Juliana Thompson, and Elizabeth Thompson,				
17th. Richard Neave,	Abraham Mitchell. <i>Sarah Mitchell</i>	Assignment dated <i>8 Jan: 1776</i> 352 James Dundas, Thomas Dundas and Abraham Mitchel, were jointly interested and held 704 shares ; James and Thomas Dundas holding one moiety, Thomas, it is said, assigned his right (which assignment cannot now be found) to James Dundas, who died intestate, leaving six children, whose names are in the first column, except Sarah Scriba, who died intestate, leaving Sarah Eliza Scriba, her only child.	352	704
John Dundas,	James Dundas:			
Burnet Dundas,				
Anna Dundas,				
Henry & Elizabeth Pratt,				
Frederic William, and Mary Starman,				
Sarah Eliza Scriba,				
		18th William		

<i>Claimants.</i>	<i>Persons under whom the Claim is made.</i>	<i>Titles.</i>	<i>Shares or Pro- portions of Shares.</i>	<i>Numbers of Shares belonging to the original Holders.</i>
18th. William Floyd, John Stephen Guenet, Jof. Jacques de Pionerie, 19th. William Edgar,	John Ormsby.	Assignment, dated Assignment, dated Assignment, dated Original grant from the Six Nations.	600 300 600 546	1500 546
20th. W. Temple Franklin, William Franklin.		Assignment, dated from William Franklin, who, though not named in the deed from the Six Nati- ons, was originally inter- ested in this proportion, in the consideration, for which the said deed was executed.	5399	5399
21st. Joseph Galloway,	George Croghan.	Assignment, dated from George Croghan, who, though not named in the deed from the Six Nati- ons, was originally inter- ested in this proportion, in the consideration for which the said deed was executed.	1125	
Owen & Mary Jones, And William Fisher,		Also the last will and testament of Thomas Wharton, dated and of Mar- tha Wharton, dated March 30th, 1788.	1125	2250
22d. Tench Coxe, George Morgan,		A deed, dated executed in pursuance of a resolution of the Indiana Company, dated April 25th, 1782.	150 150	300
23d. Thomas Payne,		A deed, dated executed in pursuance of a resolution of the Indiana Company, dated March 28, 1782.	300	300
24th. James Wilson,		A deed, dated executed in pursuance of a resolution of the Indiana Company, dated December 27, 1781.		300

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